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REMARKS

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Claim Status

After entry of this Amendment, Claims 1-17 are pending. By this Amendment, Applicants amend Claims 1 and 4. No new matter has been added.

Specification

Applicants noted that the Office may have recorded an incorrect title of the invention. In the specification and Declaration as filed, the title is "System and Method for Filling, Removing and Transporting Containers." Applicants respectfully request the Examiner to replace the title, as set forth above.

Claim Rejections – 35 U.S.C. § 102

The Examiner rejects Claims 1-9 and 15 under 35 U.S.C. § 102(b) as being anticipated by Schuster (U.S. Patent No. 6,276,509). Hence, the Examiner asserts that Schuster discloses each and every limitation recited in Claims 1-9 and 15. Applicants respectfully traverse for the following reasons.

Discussion of Schuster

Schuster's sorting device has containers 7 arranged below sorting compartments 2 along a sorting path 5. (Fig. 1) Each sorting compartment 2 can be opened so that the postal matter falls into the below container 7. (Col. 3, lines 63-67.) Middle conveying paths 8 transport off full containers 7 and supply empty containers 7 to the output stations 6. (Col. 4, lines 3-9.) Further, a transfer device 10 has transfer means 11 on its bottom side for the container change between the middle conveying path 8 and the output stations 6. The transfer device 10 and the transfer means 11 place an empty container 7 at output stations 6 underneath a sorting compartment 2. The transfer means 10 include a telescopic boom with grab means 12 to slightly lift the container 7, as illustrated in Fig. 2, bottom left container 7. (Col. 4, lines 18-29.) Once the container 7 is filled, the transfer device 10 and the transfer means 11 move the filled container 7 back to the conveying path 8. (Col. 3, lines 61-63, and col. 4, lines 42-52.)

In Schuster, filling, removing and transporting a container occurs as follows:

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- a) an empty container 7 is placed at an output station 6 beneath a sorting compartment 2 by means of the transfer means 10 that grab an empty container 7 and extend,
- b) the container 7 is filled,
- c) the transfer means 10 grab the filled container 7, lift it and move it back to the middle conveying path 8.

Discussion of Claim 1

To expedite examination and allowance of the present application, Claim 1 is amended as set forth in the above Listing of Claims. For the sake of this discussion amended Claim 1 is summarized, in pertinent part, as follows:

- a) an empty receiving container is placed on an upper surface of a holder,
- b) the empty receiving container and the holder are inserted on a guide beneath a destination point, (note that the container is not being filled when inserted)
- c) the receiving container and the holder are withdrawn at least once for filling with sorted items, so that the receiving container is removed from beneath the destination point during filling, (note that container is being filled when withdrawn, i.e., is not beneath the destination point)
- d) the receiving container and the holder are reinserted after filling so that the container is positioned beneath the destination point,
- e) the receiving container is raised from the holder,
- f) the holder is withdrawn,
- g) the receiving container is lowered onto a transport facility and transported away, and
- h) the lift is moved into an idle position.

Schuster fails to disclose or suggest each and every limitation of amended Claim 1

The above discussions of Schuster and amended Claim 1 support Applicants' arguments filed on May 30, 2006 that the present invention and Schuster are based on different concepts. Applicants submit further that Schuster and the method of amended Claim 1 differ in that the locations where the containers are being filled are

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different. Schuster fills a container when the container is beneath a sorting compartment 2 that is opened so that the postal matter falls into the container. In contrast, the method of amended Claim 1 fills a container when it is removed from beneath a destination point.

Accordingly, Schuster fails to disclose or suggest withdrawing the receiving container and the holder at least once for filling with sorted items so that the receiving container is removed from beneath the destination point during filling. Again, Schuster inserts the container beneath a destination point, as the Examiner asserts in Item 2 of the instant Office Action, where it is the filled. Therefore, there is no withdrawal of the container from beneath the destination point for filling, as defined in amended Claim 1.

Similarly, Schuster does not disclose or suggest reinserting the container and the holder after the filling so that the container is positioned beneath the destination point. As discussed, the Examiner asserts (Item 2) that Schuster discloses inserting the container beneath a destination point, where it is filled. Then, however, Schuster does not place the container again, i.e., does not reinsert it, beneath the destination point after filling, as defined in amended Claim 1.

Furthermore, Schuster fails to disclose placing an empty receiving container on an upper surface of a holder, and inserting the container and holder on a guide beneath a destination point. As mentioned above, Schuster uses transfer means 10, 11 to grab the container 7 from above. In this regard, the Examiner asserts that Schuster places an empty receiving container 7 on a holder 10. Applicants submit that by Schuster's grabbing the container 7 is not placed on an upper surface of the holder 10.

In view of the foregoing, Applicants respectfully submit that Schuster does not disclose or suggest a method for filling, removing, and transporting a receiving container for sorted items, as defined in amended Claim 1. Therefore, Schuster does not disclose or suggest each and every limitation recited in amended Claim 1, and, consequently, does not anticipate the subject matter of amended Claim 1. Applicants respectfully request the Examiner to reconsider and withdraw the rejections under 35 U.S.C. § 102(b) and to pass amended Claim 1 to allowance.

Claims 2 – 3 depend from amended Claim 1. For this reason and because of the additional features recited in the dependent claims, Applicants respectfully submit

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that Schuster does not anticipate Claims 2 – 3. Applicants respectfully request the Examiner to pass Claims 2 – 3 to allowance.

Schuster fails to disclose or suggest each and every limitation of amended Claim 4

Amended Claim 4 defines a system for filling, removing, and transporting a receiving container for sorted items. Briefly, the system includes a holder for accommodating the container, and a guide facilitating lateral movement of the holder beneath the destination point and configured to position the container in and out of a filling position. The guide withdraws the receiving container and the holder at least once for filling with sorted items so that the receiving container is removed from beneath the destination point during filling, and reinserts the container and holder after the filling so that the container is positioned beneath the destination point. Hence, amended Claim 4 is amended to correspond to amended Claim 1. The above arguments regarding Schuster and amended Claim 1 are therefore repeated herein and apply substantially to amended Claim 4.

Applicants respectfully submit that Schuster does not disclose or suggest each and every limitation recited in amended Claim 4, and, consequently, does not anticipate the subject matter of amended Claim 4. Applicants respectfully request the Examiner to reconsider and withdraw the rejections under 35 U.S.C. § 102(b) and to pass amended Claim 4 to allowance.

Claims 5 – 17 depend from amended Claim 4. For this reason and because of the additional features recited in the dependent claims, Applicants respectfully submit that Schuster does not anticipate Claims 5 – 17. Applicants respectfully request the Examiner to pass Claims 5 – 17 to allowance.

Claim Rejections – 35 U.S.C. § 103

Under 35 U.S.C. § 103(a), the Examiner rejects dependent Claims 10 – 14, 16 and 17 as being unpatentable over Schuster in view of Olson (U.S. Patent No. 6,561,339). Applicants respectfully traverse.

Claims 10 – 14, 16 and 17 depend from independent Claim 4. The above arguments are repeated herewith. Olson does not provide the missing teachings in Schuster to anticipate nor render obvious amended Claim 4. Accordingly, at least for

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the above reasons, Claims 10 – 14, 16 and 17 are also allowable and reconsideration and withdrawal of the rejections are respectfully requested.

BEST AVAILABLE COPY**CONCLUSION**

The present response is intended to correspond with the Revised Amendment Format. Should any part of the present response not be in full compliance with the requirements of the Revised Amendment Format, the Examiner is asked to contact the undersigned for immediate correction.


For the above reasons, Applicants respectfully submit that the application is in condition for allowance, and such allowance is herewith respectfully requested.

Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicants' attorney in order to resolve such issues promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 502464 referencing attorney docket number 2001P02943WOUS. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Date: 12/14/06


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